

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: June 9, 2011

Agenda Item: Robb Ledford WMA Domestic Sheep Trailing

Division: Wildlife

Action Needed: Final Rule

Time Needed on Agenda for this Presentation: 10 minutes

Background

Domestic sheep trailing by area producers has historically taken place on the Robb Ledford Wildlife Management Area as a means of transporting domestic sheep between winter and summer grazing areas. Recent concerns raised by the public questioned whether this activity conformed with Montana Code as it pertains to commercial use of FWP lands, particularly MCA 87-1-301 and 87-1-303. Section 1c of MCA 87-1-301 provides authority to the FWP Commission to “establish rules of the department governing the use of lands owned or controlled by the department and waters controlled by the department” and MCA 87-1-303 clarifies commission authority to “adopt and enforce rules related to the use of lands and waters held by the department”.

During the 2011 legislative session MCA 87-1-301 and 87-1-303 were amended further refining commission authority over lands owned or controlled by FWP, specifically as it relates to trailing of domestic livestock (HB 0541). The amendment states that for lands owned or controlled by FWP, the commission may not regulate or classify domestic livestock trailing as a commercial activity or use subject to licensing, permitting or fee requirements and that this activity is exempt from the requirements of Title 75, chapter 1 parts 1-3. Title 75, chapter 1 addresses environmental policy and protection and parts 1, 2 and 3 cover the general provisions, environmental impact statements and environmental quality council of Montana code, respectively.

The changes to MCA 87-1-303 provide the commission the authority to authorize domestic livestock trailing across lands owned or controlled by FWP as a wildlife management area, and the commission can adopt rules governing the timing and route to be used (only as deemed necessary to both enable trailing of domestic livestock and protect and enhance state lands). That authority does not extend to requiring a fee for trailing or related activities, or prohibiting or unreasonably interfering with trailing activities.

FWP seeks approval from the commission to authorize domestic sheep trailing and to adopt specific rules governing the timing and route for trailing on the Robb Ledford WMA. Clarifications from the proposed rule include a timeline of ten years, clarification of notice and use dates and removing the bighorn sheep kill permit from these trailing rules.

Public Involvement Process & Results

Public comment will run through 5 PM Monday, June 6, 2011. Comments will be delivered to the Commission with any final adoption taking place at the June 9, 2011 meeting.

Proposed Motion

I move the FWP Commission adopt the final commission rules to authorize domestic sheep trailing specifically on the Robb Ledford WMA as presented by FWP.